

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:06-cv-202

DARLENE MARTIN KANE
Plaintiff

vs.

JO ANN B. BARNHART,
Commissioner of Social Security Administration,
Defendant.

ORDER

THIS MATTER is before the court upon the memorandum and recommendation of United States Magistrate Carl Horn, filed April 3, 2007. The parties were advised that pursuant to 28 U.S.C. § 636(b)(1)(C), written objections to the memorandum and recommendation must be filed within 10 days after service of the memorandum. Plaintiff Kane submitted a response in opposition to the memorandum and recommendation on April 16, 2007, outside the allowed time period.

After an independent and thorough review of the magistrate's memorandum, the court concludes that there is no clear error on the face of the record and that the recommendation to deny Plaintiff's Motion to Remand, grant Defendant's Motion for Summary Judgment, and affirm the Commissioner's decision is correct and in accordance with law. Accordingly, the findings and conclusions of the magistrate are affirmed.

IT IS THEREFORE ORDERED that the memorandum and recommendation of the magistrate is hereby AFFIRMED.

Signed: April 23, 2007



Graham C. Mullen
United States District Judge

